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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff,

v.

MONSANTO COMPANY,

Defendant.

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NO. 82- 3229

MONSANTO'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF

Pursuant to Rule 26(b) and Rule 33 of the Federal Rules of Civil Procedure, defendant Monsanto Company ("Monsanto"), by and through its attorneys, Kirkland & Ellis, requests that plaintiff State of Illinois answer the Interrogatories within the time permitted by the Federal Rules.

I. DEFINITIONS

1. As used herein, the term "documents" means the original (and every copy of any original which differs in any way from any original) of any written, recorded or graphic matter, however produced or reproduced, including but not limited to any book, pamphlet, periodical, letter correspondence, telegram, memoranda, intraoffice communication, working paper, record, study, paper, diary, appointment book, calendar, work sheet, data processing card or tape, recordings, transcriptions thereof, and all other memorials of any conversations,

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meetings and conferences, by telephone or otherwise, and any other writing or recording, however produced or reproduced, that is in the possession, custody, or control of plaintiff.

2. As used herein, the term "plaintiff" means:

(a) the state government of the State of Illinois;

(b) each of its present and past employees, agents, consultants, accountants, attorneys and elected or appointed officials;

(c) each of its present and former departments, offices, agencies and the like; and

(d) any person or entity acting, or that at the time of a stated subject matter was acting, on behalf of or for the State of Illinois, or in any way under the direction, control or instruction of the State of Illinois.

3. As used herein, the term "Monsanto" includes all present and former employees, agents, divisions or subsidiaries of Monsanto Company.

4. As used herein, the term "or" is inclusive, referring to any one or more of the disjoined words or phrases listed.

5. As used herein, the terms "any" and "all" also include "each and every."

6. As used herein, the term "identify":

(a) when used in reference to an individual, means to state his full name; if employed by or connected or associated with plaintiff, his job position(s) or title(s) at

) the time referred to in, or while connected with the stated subject matter of, an interrogatory;

(b) when used in reference to a person other than an individual or corporation, means to state its official name, its organizational form and its address;

(c) when used in reference to a "document," means to state the date of the document, its author(s), sender(s), addressee(s), recipient(s), title (or if none, a brief statement of its content), and present location(s) or custodian(s).

7. As used herein, the terms "related," "relating to" and "concerning" separately and individually mean directly or indirectly mentioning, describing, referring or pertaining to, involving in any way, being connected with, reflecting upon, or embodying a stated subject matter.

8. As used herein, the term "person" means any individual, corporation, association or entity of any sort or type.

9. As used herein, the term "disposal site" is defined as it is, or is referred to, in Paragraphs 2 through 5 of the Complaint.

II. INTERROGATORIES

1. Identify all persons who have studied, analyzed or considered whether any migration, seepage or movement of any chemicals or wastes from the disposal site has caused or may cause any nuisance; harm or detriment to the public health or welfare; harm or detriment to domestic, commercial, industrial, agricultural, recreational, or other uses of the Mississippi

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River or any underground waters; or any harm or detriment to any animals or aquatic life.

2. Identify all persons associated with plaintiff who have communicated in any way with Monsanto regarding the disposal site, any alleged migration or movement of chemicals or wastes from that site, or any harm, injury, detriment or nuisance that has been caused or may be caused from any movement or seepage of chemicals or wastes from the disposal site, including any movement or seepage into the Mississippi River or any underground waters.

3. Identify all employees or agents of Monsanto who have communicated in any way with plaintiff or made any statements regarding the disposal site; any migration or movement of chemicals or wastes from the disposal site; or any harm, injury, detriment or nuisance that has been caused or may be caused from any movement or seepage of chemicals or wastes from the disposal site, including any movement or seepage into the Mississippi River or any underground waters.

4. Identify all persons with any knowledge or estimate of the particular chemicals or wastes at the disposal site; the amount of any particular chemical or waste there; or the total amount of chemicals or wastes at the disposal site.

5. Identify all persons with any knowledge concerning any project or proposal to dredge, remove or dispose of any chemicals or wastes from the disposal site, or any property of Monsanto proximate to the disposal site, or any plan, project or way to prevent any movement or migration of chemicals or

wastes from the disposal site or adjacent property of Monsanto into any underground waters or the Mississippi River.

6. Identify all persons who have any knowledge regarding the allegations in Paragraph 19 of the Complaint that there is "a distinct threat of contamination of the Mississippi River during flood conditions."

7. Identify all persons who have any knowledge relating to the allegations in Paragraph 20 of the Complaint that the "permeable nature of the soils underlying and surrounding the disposal site creates a distinct threat of contamination of the underground waters and eventually the Mississippi River."

8. Identify all persons who have any knowledge of any violation by Monsanto of Sections 12(a) or (d) of the Illinois Environmental Protection Act on account of any movement of chemicals or wastes from the disposal site.

9. Identify all persons who are or may be trial witnesses for plaintiff.

10. Identify all persons who are or may be expert witnesses for plaintiff at trial, and for each such witness state or identify:

- (a) the area(s) in which the witness will give any expert testimony;
- (b) the opinions or inferences to be testified to by the witness;
- (c) for each such opinion or inference, the facts or assumptions underlying the opinion or inference;

- (d) all documents made available to the witness by plaintiff;
- (e) any report or document prepared by the witness concerning any area of the witness's expert trial testimony; and
- (f) any compensation paid to the witness.

DATED: August 19, 1982.

Bruce A. Featherstone

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Attorneys for defendant

CERTIFICATE OF SERVICE

BARBARA ZARNECKI, on oath, hereby certifies that on August 20, 1982, she caused a copy of MONSANTO'S FIRST SET OF INTERROGATORIES TO PLAINTIFF to be mailed, first class, postage prepaid, to Reed W. Neuman, Esq., Assistant Attorney General, 500 South Second Street, Springfield, Illinois 62706.


BARBARA ZARNECKI

SUBSCRIBED AND SWORN TO
before me, this 20th day
of August, 1982.


Notary Public

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